

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

2004 CRIM 16 P W 15
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. ANTONIO CARDONA,)
a/k/a "ANT," and)
)
2. JEROME LASSITER,)
a/k/a "BUTTA,")
)
Defendants.)

JOINT MOTION TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT

Come now the United States of America and defendants Antonio Cardona and Jerome Lassiter, by and through the undersigned counsel, and file their Joint Motion to Exclude Time Under the Speedy Trial Act for the periods from April 18, 2004 through May 21, 2004 and from May 26, 2004 through August 3, 2004. In support of their motion, the parties state as follows:

1. Defendant Jerome Lassiter ("Lassiter") was arraigned before Magistrate Judge Alexander on April 18, 2004 and defendant Antonio Cardona ("Cardona") was arraigned on April 23, 2004.

2. Pursuant to Local Rule 112.2(A)(2), a period of twenty-eight (28) days after a defendant's arraignment constitutes excludable delay for purposes of the Speedy Trial Act.

3. It is well-settled that the "exclusion of time attributable to one defendant is applicable for all codefendants for speedy trial purposes." United States v. Barnes, 159 F.3d 4, 10 (1st Cir. 1998); United States v. Santiago-Becerril, 130 F.3d 11,

19 (1st Cir. 1997).

4. Based on the foregoing, the period from April 18, 2004 through May 21, 2004 is excludable as to both Lassiter and Cardona for purposes of the Speedy Trial Act.

5. Magistrate Judge Alexander scheduled an Initial Status Conference for May 26, 2004, which was continued at the request of defense counsel to June 10, 2004. At that time, the defendants asked to be given until July 23, 2004 to file any dispositive motions and until August 3, 2004 to determine whether the charges against either of the defendants can be resolved without a trial. At that Initial Status Conference, the parties also agreed to the issuance of an order of excludable delay as to all of the periods listed above.

6. Based on the foregoing, the parties respectfully submit that the period of time from May 26, 2004 through August 3, 2004 is excludable for purposes of the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(8)(A) on the grounds that the ends of justice are served by allowing the defendants time to formulate and file dispositive motions and to determine if the charges against them can be resolved without a trial and the interests of justice outweigh the best interests of the public and the defendants in a speedy trial.

7. Based on the foregoing, the parties respectfully submit that an order of excludable delay should issue pursuant to 18

U.S.C. § 3161(h)(8)(A) as to all defendants for the period from April 18 through May 21, 2004 and from May 26 through August 3, 2004.

Respectfully submitted,

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